

payment of attorney fees and/or costs is not authorized in administrative complaints of age discrimination.

(2) State that a request for such award must be filed within 20 calendar days after receipt.

(3) List the documents that must be sent with the request. (See § 588.54.)

(g) The notice of decision must inform the class agent and his or her representative, if any, of the right to appeal the Army decision to the EEO Office of Revenue and Appeals, of the right to file a civil action, and of the applicable time limits. (For details on appeals and civil actions, see subpart F.)

(h) A final Army decision on a class complaint filed under this regulation is binding on the Army and all members of the class, except those who have properly removed themselves from the class.

§ 588.43 Corrective action.

(a) If discrimination is found, the Army must eliminate or change the personnel policy or practice that gave rise to the complaint, so that the policy or practice will no longer cause such discrimination. Also, the Army must provide individual remedial action to the class agent including an award of attorney fees and/or costs, as appropriate, as provided in subpart E. (The Army must fulfill obligations to consult or negotiate with the unions that have exclusive recognition before doing away with or changing personnel policies or practices.)

(b) If discrimination is found and a class member believes that, but for that discrimination, he or she would have been given employment or an employment benefit, the class member may file a written claim within 30 calendar days with any of the persons listed below. The claim will be filed within 30 calendar days after the notification.

- (1) The activity EEO officer.
- (2) The director of EEOCCRA.
- (3) The director of EEO for the Army.
- (4) The Secretary of the Army.

(c) The claim must include details showing that the claimant is a class member who was affected by a personnel action or matter resulting from the discriminatory policy or practice with-

in no more than 135 calendar days before the class complaint was filed.

(d) The Army will try in good faith to resolve the claim within 60 calendar days of receipt. If the Army and the claimant do not agree that the claimant is a member of the class or do not agree on the relief to which the claimant is entitled, the Army will refer the claim, with its recommendations, to the complaints examiner.

(e) The complaints examiner will notify the claimant of the right to a hearing on the claim and will give the parties to the claim an opportunity to submit evidence and representations on the claim. If a hearing is requested, it will be conducted in accord with § 588.25. If a hearing is not requested, the complaints examiner, at his or her discretion, may hold a hearing to obtain the necessary evidence on the claim.

(f) The complaints examiner will issue a report of findings and recommendations on the claim to the Director, EEOCCRA. The Army will issue a final decision within 30 calendar days of receipt of the examiner's report. If a decision is not issued within 30 calendar days, the examiner's findings and recommendations will become the final decision.

(g) If the complaints examiner determines that the claimant is not a member of the class or that the claim was not filed in a timely manner, he or she will recommend rejection of the claim and give notice of this action to the Army, the claimant, and the claimant's representative. The notice will inform the claimant of the right to appeal to the EEOC Office of Review and Appeals or to file a civil action in accord with subpart F.

§ 588.44 The complaint file.

The complaint file will be indexed and tabbed in reverse chronological order and will contain legible copies of the documents listed in § 588.76.

Subpart D—Miscellaneous Complaints

§ 588.45 Reprisal.

A complainant, his or her representative, a witness, or an EEO official may allege restraint, interference, coercion,